

## CHAPTER 5

### Recruitment and Examination

#### 5.1 Overview of the Process

- 1 By law, appointments to positions in the competitive service of Fairfax County must be "on a competitive basis, free of discrimination on the basis of race, color, national origin, religion, sex, age, political affiliation or handicap" (Sec. 3-1-1a (3) Fairfax County Code as Amended) and "on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform" (Sec. 15.2-807, Code of Virginia, Annotated).
- 2 To accomplish this end:
  - a. Positions in the competitive service are advertised periodically in a manner designed to reach a broad sector of qualified potential applicants;
  - b. Applicants are screened through a variety of processes (which may include written, oral, and performance testing, evaluation of education and experience, and personal interviews) to provide the department head or deputy a choice of well qualified applicants;
  - c. In the case of positions for which vacancies occur with some frequency or periodically in large numbers, examinations may be held at intervals for specific classes rather than for specific positions and qualified applicants may be placed on eligibility lists and certified from such lists for consideration by department heads or deputies as vacancies occur;
  - d. In other cases, applications are accepted for an individual position or specified group of positions and the best qualified, including the best qualified women and minorities, are certified for only those positions, no continuing eligibility list being maintained;
  - e. Applicants are selected from certification lists by department heads or deputies on the basis of further screening, which usually includes a personal interview by the department head or designee or by a panel representing him/her;
  - f. Successful applicants are appointed and serve a one-year probation period before achieving full merit status.
- 3 Where an adequate number of well qualified potential applicants for a position exists within the competitive service, competition may be restricted to County employees unless doing so would create or perpetuate a serious imbalance of the work force in terms of race or sex, in which case the position will be advertised for open competition.

- 4 The Human Resources Director is responsible for all aspects of the recruitment and certification process, except those aspects delegated by him/her to department heads as authorized in these regulations; and for ensuring that all appointments to positions in the competitive service comply with the Merit System Ordinance and these regulations.
- 5 Any applicant who believes that his/her failure to receive an appointment was the result of illegal discrimination as defined in the Ordinance has certain appeal rights defined herein.

## 5.2 Announcement of Vacancies

- 1 In the interest of minimizing delay in filling vacancies, department heads or designee should inform the Human Resources Director of actual or impending vacancies as soon as this information becomes available.
  - a. This is accomplished by submission of a personnel requisition on a form prescribed by the Human Resources Director. A copy of the current position description, including any special or preferred qualifications should accompany the requisition.
  - b. A vacancy may be advertised and applicants certified before the vacancy occurs, but no appointment may become effective more than two pay periods before the position is vacant unless dual encumbrance (or, in the case of a new position, early appointment) has been authorized by the County Executive or his/her designee.
- 2 Vacancies normally shall be announced at least two weeks before the last date on which applications will be accepted.
  - a. If, in the opinion of the Human Resources Director, there is an adequate pool of potential applicants, and there is an urgent need to fill the position, a position may be announced one week before the closing date; but in no case shall less than five business days elapse between posting of an announcement and the closing date for applications.
  - b. The Human Resources Director may accept applications after the closing date if the eligibility or certification list for a position has not been issued.
  - c. Positions for which a continuing need for applicants exists or for which recruitment is particularly difficult may be announced with an open or indefinite closing date, and applicants may be placed on an eligibility list or certified at any time after the announcement has been open for five business days.
- 3 Each announcement of a vacancy shall include the following information:
  - a. The title, pay grade and/or salary range of the class;

- b. Identification of the work site and a description of the typical tasks and level of responsibility of the work to be performed and of any unusual working conditions not otherwise apparent;
  - c. The minimum qualifications required and any special or preferred qualifications;
  - d. The time, place and manner of application, including the closing date for accepting applications if such has been established, and whether applications will be accepted from the general public or only from County employees;
  - e. Whether the announcement is for a specific position, a group of positions or a continuing eligibility list, and if for an eligibility list, the expected duration of that list.
  - f. The nature of the tests or other screening processes, including interviews, to be used;
  - g. A description of the category of the appointment, employee benefits and the fact that the County is an equal opportunity/affirmative action employer.
- 4 Announcements shall be posted at the Department of Human Resources, all County Governmental Centers, all Fairfax County Public Libraries, and such other locations as the Human Resources Director may direct. Vacancies also may be announced in news media of general and special circulation, which are likely to reach a large and varied population.

### 5.3 Examination of Applicants

- 1 Before certifying to any department head or deputy that an applicant is qualified for appointment, the Human Resources Director shall conduct an examination of the applicant's capacity and fitness to fulfill the requirements of the position.
- 2 Such examination must include as a preliminary step an evaluation of the applicant's knowledge; skills, experience and fitness based on information submitted in the applicant's application/resume. The Human Resources Director may investigate any applicant's statements regarding education, training, skills and previous employment to ensure their accuracy and completeness.
- 3 Examinations may also include one or more of the following:
  - a. Written examination, which shall include a written demonstration of each candidate's knowledge, information or skill in the field for which the test is being held, and which may include standard tests of mental alertness and of ability in the use of English and mathematics, or of general educational attainments;
  - b. Oral examination, which may be used in lieu of or to supplement the written examination or to elicit information regarding the abilities of the candidates that is

not readily obtained in a written examination;

- c. Performance test, which shall include such tests of performance necessary to determine the ability and manual skill of each candidate to perform the work involved and which may be either competitive or qualifying;
  - d. Physical tests, which may be either competitive or qualifying, and which shall consist of tests of bodily condition, muscular strength, agility and physical coordination;
  - e. Practical examinations, such as assessment centers, which test reactions and judgment of applicants under simulated job conditions;
  - f. Review by a personnel analyst to verify or expand on information submitted by the applicant and to appraise a candidate's fitness for the position.
- 4 The content of all examinations, including interviews, shall be based on bona fide occupational qualifications pertinent to the duties to be performed. The Human Resources Director or his/her designee shall review the general areas of questioning planned for interviews and all written or performance tests proposed by any department head or deputy to ensure their relevance and appropriateness of format. Department heads or deputies shall ensure that all interviewers are aware of restrictions on the types of questions, which legally may be asked of applicants. From time to time, the Human Resources Director will offer formal training on laws, regulations and techniques pertinent to interviewing potential employees.
- 5 Examinations may be formal (administered to an applicant or a group of applicants) or informal (based on evaluation of training and experience) and may be for specific positions for which vacancies are known to exist or for a position class in which vacancies are expected over a period of time.
- 6 The Human Resources Director may delegate some or all of the actions described in this section to department heads.

#### 5.4 Eligibility for Examinations

- 1 The Human Resources Director shall determine the qualifications for admission to any examination. Any candidate whose application does not contain evidence of the knowledge, skills, abilities and experience required for the position in question shall be so advised and shall be eliminated from further consideration under the announcement to which his/her application responded.
- 2 Persons whose names have been placed on a reemployment list as a result of a lay-off or demotion for lack of work or lack of funds shall be eligible for a period of one year to compete in any promotional examination for which they would have been eligible had such lay-off or demotion not have occurred.

- 3 When there is a surplus of qualified applicants for a particular position in a department or in a lower class, the Human Resources Director may restrict admission to the examination for that position to current employees of the department, members of the lower class, or current employees of the department who are members of that class, subject to the restrictions contained in Sec. 5.1-3.
- 4 The Human Resources Director may delegate some or all of the actions described in this section to department heads.

## 5.5 Disqualification of Applicants

- 1 In addition to failure to meet basic qualifications, a finding of any of the following facts shall be cause for rejection of an applicant.
  - a. The applicant has falsely stated any material fact or has attempted to practice deception or fraud in his/her application.
  - b. The applicant is afflicted with any disqualifying disease or defect, mental or physical, although the mere finding of a disease or handicap shall not be disqualifying if reasonable accommodation can be made.
  - c. The applicant currently is a substance abuser, except that a history of substance abuse shall not in itself disqualify a person in recovery.
  - d. The applicant has been found guilty of a felony, misdemeanor, or crime involving moral turpitude, or has committed disgraceful conduct, such as to render him/her presently unfit, in the judgment of the Human Resources Director, for a position in the class for which he/she is applying or for the County service.
  - e. The applicant has a recent record of previous unsatisfactory service in County employment or elsewhere of such a nature as to demonstrate unsuitability for employment in a position of the class for which he/she is applying.
  - f. The applicant has used or attempted to use, prior to, during or subsequent to the examination, fraud or pressure of any kind for the purpose of bettering his/her grade on the examination or to obtain certification to any position.
  - g. The applicant has received a dishonorable discharge from the Armed Forces resulting from conviction by a general court martial for an offense which renders him/her presently unfit, in the judgment of the Human Resources Director, for a position in the class for which he/she is applying or for the County service.
  - h. The applicant has received a bad conduct discharge from the Armed Forces resulting from conviction by a special court martial for an offense which renders him/her presently unfit, in the judgment of the Human Resources Director, for a position in

the class for which he/she is applying or for County service.

- 2 When such finding is made, the Human Resources Director shall reject the application and shall cancel the eligibility of the applicant if he/she already has been certified or has attained a place on an eligible list. In the event the applicant has already received an appointment, the Human Resources Director shall take appropriate action to remove him/her from the County service. The applicant shall be informed in writing of the action taken under this provision and of the reason therefore, and shall be advised of the method of appeal outlined in the following subsection.
- 3 Any person who, by order of the Human Resources Director, is denied permission to compete in the examination, whose eligibility is canceled or who is removed from any position under the provisions of this rule may make a written request to the Human Resources Director for reconsideration, giving his/her reasons therefore, within fifteen business days of the date on which he/she received notice of this action. The decision of the Human Resources Director is final, except that an employee in the competitive service who is dismissed in accordance with this section after having completed his/her initial probationary period may grieve his/her dismissal under the provisions of Chapter 17.

#### 5.6 Concealment of Candidate's Identity

When it is desirable to assure anonymity of written examinations, each candidate shall fill out an identification sheet, which shall be collected and sealed in an envelope by the monitor. Each candidate shall place on his/her examination papers the number on his/her identification sheet. Each set of examination papers shall be identified only by such number until the final scoring of such papers is completed at which time the sealed identification sheets shall be opened by the Human Resources Director or his/her designee and at least one other disinterested person.

#### 5.7 Qualifying Scores

- 1 The Human Resources Director or his/her designee will establish a qualifying score for all examinations. This score may be expressed in terms of raw score, standard score, percentile ranking, adjectival or behavioral rating or other method approved by the Human Resources Director.
- 2 In establishing qualifying scores, the Human Resources Director or his/her designee will consider the following factors: projected staffing needs, minimum standards of job performance, distribution of candidates' raw scores in a particular examination, standard deviation of test scores, test reliability, adverse impact and standard error of measurement.
- 3 When a test consists of several components, such as written, performance and physical tests, a candidate shall be required to attain a qualifying score in each portion of the test. A candidate who fails to achieve a qualifying score in any component shall be

disqualified at that point and denied the opportunity to participate in subsequent parts of the examination.

- 4 The Human Resources Director may delegate some or all of the actions described in this section to department heads.

#### 5.8 Method of Breaking Ties

- 1 If two or more candidates attain the same final score, the tie shall be resolved in favor of the applicant who receives the highest score in the most heavily weighted portion of the examination. If a tie still exists, scores on the remaining portions of the examination will be considered in order of their relative weight.
- 2 Except in the case of promotional examinations, if a tie still exists after the above procedure, tied candidates will be shown on the certification or eligibility list as tied. The number of applicants certified for a position may be increased if necessary to include all tied candidates.
- 3 For promotional examinations in other than uniformed public safety classes, if the tie extends beyond the procedure noted in 5.8-1, then the tie shall be resolved in favor of the employee having the longest period of continuous service with Fairfax County Government.
- 4 For promotional examinations for uniformed public safety job classes, if the tie extends beyond the procedure noted in 5.8-1, the tie shall be resolved in favor of the employee having the longest period of continuous service in the class series, beginning with date of appointment to the public safety class series (police, fire, sheriff).

#### 5.9 Notice of Examination Results

- 1 If an examination was conducted for the purpose of establishing a continuing eligibility list, all successful candidates will be advised of the results as soon as practicable after establishment of the list. Such notice shall include the following information:
  - a. The position class,
  - b. The length of time the list will be maintained,
  - c. The number of persons on the list, except in the case of open announcements where the individual's position on the list may change from time to time as other applicants are found eligible, and
  - d. The individual's position on the list as determined by applicable sections of Chapter 6 of these Regulations, except in the case of open announcements where the individual's position on the list may change from time to time as other applicants are found eligible.

- 2 If the examination was conducted for the purpose of certification for a position or positions without formal establishment of a continuing eligibility list, individuals who are certified will be so notified at the time of certification. Individuals who are qualified but not certified will not be notified until after an appointment is made, as there is a possibility that some of such persons may subsequently be certified. (This provision does not preclude so advising a qualified but not certified candidate who inquires as to his/her status before formal notice has been issued.)
- 3 Every candidate who is eliminated at any stage of competition shall be so notified promptly.

#### 5.10 Appeals/Reviews from Examination

- 1 Candidates may request a reevaluation of their written examination papers with a view toward obtaining a higher score providing such request is made to the Human Resources Director within 15 business days following written notification of the examination results. The reevaluation shall be made by the examining staff of the Employment Division and the agency subject matter experts, if any. Staff shall answer questions of the candidate, including whether or not specific questions were answered correctly.
- 2 Reevaluation of performance-based examinations (i.e., practical examinations and assessment centers) shall not be allowed. However, candidates may request an explanation of their performance rating in such exams providing such request is made to the Human Resources Director within 15 business days following written notification of the examination results. The explanation shall be provided by the examining staff of the Employment Division and the Agency Test Evaluators, if any. Staff shall answer questions of the candidate, including information on how the test was graded and how scores were obtained in general. Staff shall not normally reveal individual scores on specific dimension ratings.
- 3 When a request for reevaluation results in a candidate obtaining a higher score so that the relative standing of the candidate on an eligible list is changed, the Human Resources Director shall review certifications made subsequent to the promulgation of the eligible list and determine whether or not the initial and incorrect score resulted in the candidate's losing certification. When, as a result of error, a certification has been lost to an eligible candidate, the Human Resources Director shall place the name of the candidate on the eligible list so that he/she benefits from the next certification. Appointments already made from such eligible lists shall not be affected by such correction.
- 4 Where no continuing eligible list was created as a result of an examination or where the list has been dissolved, the application of any candidate who was denied certification as a result of a scoring error shall be retained by the Human Resources Director and that candidate shall be certified for the next vacancy in the same class or, at the candidate's request, for other classes for which he/she would be qualified on the basis of the application and examination in question.



#### 5.11 Investigations and Fingerprinting

- 1 Department heads or their designees are responsible for verifying references of prospective appointees.
- 2 Investigations of the backgrounds of candidates for public safety positions will be conducted by the various public safety agencies. The backgrounds of candidates for other sensitive positions may be investigated at the request of a department head or designee with the concurrence of the Human Resources Director.
- 3 Prospective appointees to sensitive positions involving a high degree of trust will be fingerprinted and the prints forwarded to the Federal Bureau of Investigation for checking against its records. Any such candidate who refuses to be fingerprinted shall be disqualified.
- 4 All appointees will be required to present evidence of United States citizenship or, in the case of non-citizens, evidence of eligibility to work in the United States as required by law.

#### 5.12 Medical Examinations

- 1 The Human Resources Director shall designate classes for which a pre-employment medical examination conducted by a physician, which he/she shall designate, shall be required, and shall establish physical qualifications for such positions with the advice of the Health Director and the appropriate department head or designee.
- 2 Candidates who fail such examinations shall be disqualified, but such failure shall not disqualify any individual from consideration for a position for which the physical qualification he/she failed to meet does not apply.

#### 5.13 Security and Retention of Applications and Examination Records

- 1 Applications of successful candidates will be retained in their central personnel files. Copies may be retained by departments.
- 2 Applications of unsuccessful candidates and related records must be retained for at least five years. Retention in a photographic or electronic form, which will permit reproduction of paper copies of approximately the original size, will satisfy this requirement.